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APPLICATION NO. FILING DATE		JING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/049,862 02/19/2002		2/19/2002	Max Roth	032553-021	2349	
21839	21839 7590 07/05/2005			EXAMINER		
		RSOLL PC	DUONG	DUONG, THO V		
(INCLUDING BURNS, DOANE, SWECKER & MATHIS) POST OFFICE BOX 1404				ART UNIT	PAPER NUMBER	
ALEXANDRIA, VA 22313-1404			3743	·		

DATE MAILED: 07/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Advisory Action Before the Filing of an Appeal Brief

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	Application No.	Applicant(s)	
	10/049,862	ROTH, MAX	
	Examiner	Art Unit	
	Tho v. Duong	3743	

-The MAILING DATE of this communication appears on the cover sheet with the correspondence address -THE REPLY FILE D23 May 2006 PAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.		
1. ☑ The reply was filled after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidual, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:  a) ☐ The period for reply exprises	The MAILING DATE of this communication appears on the cover sheet with the correspondence address	
this application, applicant must timely file one of the following replies: (1) an arisendament, affidavit, or other evidence, which places the application in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 41.14. The reply must be filed within one of the following time periods:  a) The period for reply expires months from the mailing date of the final rejection.  b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expires better than SIX MONTHS from the mailing date of the final rejection. Examiner Mote if the x1 to becked, check either box (a) or (b) DNIX THE KER DOLD WHILE THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MFEP 760.07(f).  Extensions of time may be obtained under 37 CFR 1.39(a). The date on which the petition under 37 CFR 1.139(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed as the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed, any reply received by the date of the final rejection, which is the period and the feet of the final rejection of the feet feet of the final rejection, and the corresponding amount of the feet. The appeal of the final rejection of the feet of the fina	THE REPLY FILED <u>23 May 2005</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.	
The period for reply expires	this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the	
b)		
MONTHS OF THE FINAL REJECTION. See MPEP 766.07().  Extensions of time may be obtained under 37 CFR 1.13(e). The date on which the petition under 37 CFR 1.13(e) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.7(e) is caustidated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Cfrice action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any same dystem term adjustment. See 37 CFR 1.70(b).  NOTICE OF APPEAL  2. The Notice of Appeal was filed on	b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.	
been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any same planet ther adjustment. See 37 CFR 1.704(b).  NOTICE OF APPEAL 2. The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).  AMENDMENTS 3. The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) They raise new issues that would require further consideration and/or search (see NOTE below); (b) They raise the issue of new matter (see NOTE below); (c) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) They present additional claims without canceling a corresponding number of finally rejected claims.  NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).  A pplicant's reply has overcome the following rejection(s): on the proposed amendment are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324). Applicant's reply has overcome the following rejection(s): on the proposed of appeal, the proposed amendment(s): a) \( \sum will not be entered, or b) \) will be entered and an explanation of how the new or amended claim(s).  To propurposes of appeal, the proposed amendment(s): a) \( \sum will not be entered,	MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).	
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Tho v Duong Primary Examiner	10 🗒 00	
Primary Examiner	Milani	
Art Offic. 5745		

U.S. Patent and Trademark Office PTOL-303 (Rev. 4-05)

## **Continuation Sheet (PTOL-303)**

Application No.

Continuation of 3. NOTE: the amended claim 24 has raised new issue which require further consideration in as far as it would neccesitate a rejection that was not set forth in the Final Rejection mailed 3/23/2005. Furthermore, the amended claim 24 still renders the scope of the claim indefinite since it is not clear if the limitations of "punctate fastening", "by meshing the walls by material deformation" and "compression molded" are separated steps or are within the same step.